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INFORMATION RELATING TO ADMISSION OF ATTORNEYS IN MASSACHUSETTS

Published June 2002, Amended July 2003
MASSACHUSETTS BOARD OF BAR EXAMINERS

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MASSACHUSETTS BOARD OF BAR EXAMINERS

Edward J. Barshak, Chairman
Robert J. Muldoon, Jr., Secretary
Anthony G. Massimiano
Alice E. Richmond
William F. Kennedy, Jr.

The members of the Board are appointed by the Justices of the Supreme Judicial Court under the authority of the General Laws (Ter. Ed.), Chapter 221, § 35 for terms of five years, one term expiring on October 1st of each year. Their compensation and expenses are paid by the Commonwealth.

RULES OF THE SUPREME JUDICIAL COURT**3:01 ATTORNEYS**

-----**Section 1. Applications for Admission**

1.1 *Petitions.* Persons desiring admission to the bar of the Commonwealth shall apply by filing a petition for admission with the Clerk of the Supreme Judicial Court for the County of Suffolk.

1.2 *Recommendation.* Each petition shall be accompanied by the recommendation of a member of the bar of this Commonwealth or of any state, district or territory of the United States.

1.3 *Referral to Board of Bar Examiners.* All petitions for admission shall be referred to the Board of Bar Examiners for a report as to the character, acquirements and qualifications of the applicant.

Section 2. Bar Examination

2.1 *Time and Place.* Law examinations shall be held at least twice a year in Boston and in such other places as the Board of Bar Examiners shall designate. The Board shall fix the times and places of the examinations and shall give due notice thereof.

Section 3. Qualifications for Taking Bar Examination

3.1 *High School.* Each applicant for admission by examination shall have been graduated from a public day high school or its equivalent, or shall have received the equivalent education in the opinion of the Board.

3.2 *College.* Each applicant shall have completed the work acceptable for a bachelor's degree in a college or university, or have received an equivalent education in the opinion of the Board.

3.3 *Law School.* Each applicant shall have graduated with a degree of bachelor of laws or juris doctor from a law school which, at the time of graduation, is approved by the American Bar Association or is authorized by statute of the Commonwealth to grant the degree of bachelor of laws or juris doctor.

3.4 *Foreign Law Schools.* Any applicant who received his/her legal education at a law school located outside any state, district, or territory of the United States shall have pre-legal education equivalent, in the Board's opinion, to that set forth in subsections 3.1 and 3.2 and legal education equivalent, in the Board's opinion, to that provided in law schools approved by the American Bar Association. Before permitting such an applicant to take the law examination, the Board in its discretion may, as a condition to such permission, require such applicant to take such further legal studies as the Board may designate at a law school approved by the American Bar Association.

3.5 *Exclusion.* Subsection 3.1 to 3.4 shall not apply to applicants who have heretofore been examined under eligibility rules previously in force. To these applicants, the rules in force at their first examination shall apply.

3.6 *Multistate Professional Responsibility Examination.* To be admitted as an attorney, each applicant shall have passed the Multistate Professional Responsibility Examination (either before or after passing the written law examination). **Effective with the February 2004 examination, each applicant shall have passed the Multistate Professional Responsibility Examination BEFORE FILING an application.**

Section 4. Public Notice of Bar Examination Results

4.1 *Notice and Publication.* Before the Board of Bar Examiners reports to the Court on the character, acquirements, and qualifications of an applicant for admission, the Board shall prepare a list of names of those applicants who passed the written law examination (under Rule 3:01, § 3) and who, if no objection is made, may be recommended to the Supreme Judicial Court for admission.

A copy of the list of names shall be sent to the Clerk of the Supreme Judicial Court for Suffolk County and the clerk of courts for each county who shall post the list in a public place for a period of seven days from a date fixed by the Board of Bar Examiners.

A copy of the list of names shall be sent to the Board of Bar Overseers, to the Massachusetts Bar Association, to the Boston Bar Association and such other bar associations and newspapers in the Commonwealth as the Board of Bar Examiners shall determine.

4.2 *Report to the Court.* Not sooner than ten days after the date fixed for posting by the Board of Bar Examiners, the Board may report to the Supreme Judicial Court the names of those applicants then found qualified for admission under § 3.

Section 5. Disposition of Petitions for Admission

5.1 *Qualified Applicants.* The petitions for admission of those who pass the law examination and who are found by the Board of Bar Examiners to be of good moral character and of sufficient acquirements and qualifications may be allowed and the applicants may be admitted either (a) in open court upon subscription to the attorney's oaths, at such times and places as the Supreme Judicial Court shall appoint, or (b) by mail in accordance with procedures established by the Supreme Judicial Court and administered by the Clerk of the Supreme Judicial Court for Suffolk County.

5.2 *Admissions of Qualified Applicants within a Limited Time.* Except as otherwise ordered by a Justice of the Supreme Judicial Court, a qualified applicant for admission may be sworn and enrolled as an attorney within one year of the report to the Court (Rule 3:01, subsection 4.2) concerning the applicant, and, if not so sworn and enrolled, the applicant may, thereafter be sworn and enrolled only if he or she satisfies the Board of Bar Examiners as to his or her current legal knowledge, qualifications, and good moral character.

5.3 *Non-Qualified Applicants.* The petitions of those found not qualified shall be dismissed at the expiration of sixty days from the Board of Bar Examiners' report of non-qualification, unless within that period the Chief Justice of the Supreme Judicial Court, on application of the petitioner, shall order a hearing on the matter.

Section 6. Admission on Motion

6.1 *Attorneys Admitted in Other States.* A person who has been admitted as an attorney of the highest judicial court of any state, district or territory of the United States may apply to the Supreme Judicial Court for admission on motion as an attorney in this Commonwealth. The Board of Bar Examiners may, in its discretion excuse the applicant from taking the regular law examination on the applicant's compliance with the following conditions:

6.1.1 The applicant shall have been admitted in the other state, district or territory, for at least five years prior to applying for admission in the Commonwealth, and shall provide the court with a certificate of admission and current good standing from the highest judicial court of each such state, district or territory.

6.1.2 The applicant shall have so engaged in the practice or teaching of law since the prior admission as to satisfy the Board of Bar Examiners of his or her good moral character and professional qualifications.

6.1.3 The applicant shall submit to the Board of Bar Examiners letters of recommendation for admission from three members of the bar of the Commonwealth, or of the state, district or territory of prior admission, or of the bar of the state, district or territory in which the applicant has last resided.

6.1.4 The applicant shall have graduated from high school, or shall have received the equivalent education, in the opinion of the Board, completed work for a bachelor's degree at a college or university, or its equivalent, and graduated from a law school which at the time of graduation was approved by the American Bar Association or was authorized by a state statute to grant the degree of bachelor of laws or juris doctor.

6.1.5 The applicant shall pass the Multistate Professional Responsibility Examination if he or she has not previously passed that examination in another jurisdiction.

6.2 *Attorneys Admitted in Foreign Countries.* A person who has been admitted or enrolled as an attorney of the highest judicial court of a foreign country may apply to the Supreme Judicial Court to be admitted, without examination, as an attorney in this Commonwealth. The Board of Bar Examiners may, in its discretion, excuse the applicant from taking the regular law examination on compliance with the following conditions:

6.2.1 The applicant's principal residence is in the Commonwealth of Massachusetts.

6.2.2 The applicant shall have been admitted in the foreign country for at least five years prior to applying for admission in the Commonwealth, and shall provide the court with a certificate of admission from the highest court of the foreign country.

6.2.3 The applicant shall have completed the equivalent of American high school; shall have completed work in college or university equal to that warranting a bachelor's degree in the United States; and shall have completed such legal education as, in the opinion of the Board of Bar Examiners, is equivalent to that provided in law schools approved by the American Bar Association.

6.2.4 The applicant shall have so engaged in the practice or teaching of law since the prior admission as to satisfy the Board of Bar Examiners of his or her good moral character and professional qualifications.

6.2.5 The applicant shall submit to the Board of Bar Examiners letters of recommendation from three members of the bar of the foreign jurisdiction and from two members of the bar of the Commonwealth.

6.2.6 The applicant shall have passed the Multistate Professional Responsibility Examination.

6.3 *Notice and Publication for Admission under Section 6.* Before the Board of Bar Examiners reports to the Court on the character, acquirements, and qualifications of applicants for admission, the Board shall prepare a list of names of applicants who, if no objection is made, may be recommended to the Supreme Judicial Court for admission.

A copy of the list of names shall be sent to the Clerk of the Supreme Judicial Court for Suffolk County and the clerk of courts for each county who shall post the list in a public place for a period of seven days from a date fixed by the Board of Bar Examiners.

A copy of the list of names shall be sent to the Board of Bar Overseers, to the Massachusetts Bar Association, to the Boston Bar Association and such other bar associations and newspapers in the Commonwealth as the Board of Bar Examiners may determine.

6.4 *Report to the Court.* Not sooner than ten days after the date fixed for posting by the Board of Bar Examiners, the Board may report to the Supreme Judicial Court the names of those applicants then found qualified for admission under § 6.

6.5 *Time Limitation for Enrollment.* Except as otherwise ordered by a Justice of the Supreme Judicial Court, a qualified applicant may be sworn and enrolled as an attorney within one year of the report to the Court. Failure to be so sworn and enrolled will result in dismissal of the application.

Section 7. Bar Examiners' Rules

7.1 The Board of Bar Examiners may, subject to the approval of the Supreme Judicial Court, make rules consistent with these rules.

Section 8. Subpoenas

8.1 Any member of the Board of Bar Examiners may summon witnesses to appear before the Board.

RULES OF THE BOARD OF BAR EXAMINERS

(as authorized by Rules of the Supreme Judicial Court 3:01, § 7)

Rule I. Petitions and Certificates

Every applicant for admission to the bar who desires to take a law examination shall file a petition with the proper clerk of the court at least 75 days before the law examination which he/she intends to take, together with such certificates as the Board shall prescribe, giving information as to age, residence, character, and general and legal education and proof of passing the Multistate Professional Responsibility Examination. For good cause shown, the Chairman of the Board may allow petitions or certificates to be filed after the time fixed.

Rule II. Time and Place of Law Examinations

Law examinations shall be held at least twice a year in Boston, and in such other place or places, if any as the Board shall designate. The exact times and places shall be fixed by the Board and due notice thereof shall be given.

Rule III. Subjects under Rule 3:01, § 3.

Applicants will be expected to be familiar with the law in the following fields:

Agency	Business Organizations
Constitutional Law	Contracts
Criminal Law	Descent & Distribution of Estates
Domestic Relations	Evidence (including Federal Rules)
Federal Jurisdiction	Federal Rules of Civil Procedure
Massachusetts Rules of Civil Procedure	Professional Responsibility
Real Property (including Mortgages)	Torts
Trusts	Wills
Unfair or Deceptive Practices (G.L.c. 93A)	Uniform Commercial Code (articles 1-9)

The examinations will be conducted in part by written questions to be answered in writing and in part by printed questions to be answered by selections from answers supplied.

Rule IV. Applicants under Rule 3:01, § 6

Every applicant for admission as an attorney under Rule 3:01, § 6 of the Rules (Attorneys) of the Supreme Judicial Court shall obtain at his/her own expense and furnish to the Board a report by the National Conference of Bar Examiners of an investigation made by it of the moral character and professional experience and standing of such applicant. The Board may waive this requirement in any case in which it deems such a report to be unnecessary.

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**IMPORTANT INFORMATION FOR APPLICANT
UNDER SJC RULE 3:01, § 3.**

(Please read and be familiar with the following)

1. Forms for application for examination as an attorney and information as to time and place of examinations may be obtained at the office of the Clerk of the Supreme Judicial Court for the County of Suffolk, or at the office of the Board of Bar Examiners, or by written request to the Board of Bar Examiners including a 9 x 12 envelope, self-addressed with postage to cover 3.5 ounces. An applicant may also download an application from our web site at: www.mass.gov/bbe
2. *First time applications* for examination as an attorney, consisting of applicant's petition, statement to the Board of Bar Examiners, law school certificate, two letters of character, and an original Multistate Professional Responsibility Examination (MPRE) Score Report shall be filed 75 days before the date of examination and *shall be filed in all cases with the Clerk of the Supreme Judicial Court for the County of Suffolk, 1404 New Court House, Pemberton Square, Boston, Massachusetts, 02108, together with the filing fee (see Fee Schedule), payable to the Commonwealth of Massachusetts. (See Paragraph 4)*
3. *Reapplications* for examination as an attorney, consisting of applicants petition (reapplication), supplementary statement to the Board of Bar Examiners, and an original Multistate Professional Responsibility Examination (MPRE) Score Report shall be filed 75 days before the date of the examination and *shall be filed in all cases with the Clerk of the Supreme Judicial Court for the County of Suffolk, 1404 New Courthouse, Pemberton Square, Boston, Massachusetts, 02108, together with the filing fee (see Fee Schedule) made payable to the Commonwealth of Massachusetts. (See Paragraph 4)*
4. The filing fee, payable to the Commonwealth of Massachusetts, for a first time application for examination and for each such reapplication is **nonrefundable** and must be in the form of a certified check or money order. **Personal checks will not be accepted.**
5. Qualifications for taking a bar examination are set forth in Rule 3:01, Attorneys. Any uncertainties relating to eligibility must be sent to the Board of Bar Examiners, 77 Franklin Street, Boston, MA 02110 **PRIOR** to filing an application.
6. The Massachusetts Bar Examination is held on two consecutive days and consists of two parts: the Multistate Bar Examination (MBE), with 200 questions, and the essay examination, with ten questions. The hours of examination will be from 8:30 A.M. to 5:00 P.M. on each day with luncheon intermission. At the present time, the bar examination is given twice a year, late in the months of February and July.

Multistate Bar Examination (MBE) scores achieved on prior bar examinations are not accepted for transfer purposes by the Massachusetts Board of Bar Examiners.
7. All requests for special accommodations for taking the Massachusetts bar examination under non-standard conditions must be in writing and submitted to the Board of Bar Examiners, 77 Franklin Street, Boston, MA 02110, on Special Accommodation Petition forms issued by the Board. These forms will be furnished for completion by the applicant and professionals to provide details and documentation relating to a disability and shall be returned to the Board no later than 75 days prior to the date of the examination.

THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA

BY JAMES M. SMITH

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME. IN THREE VOLUMES. VOL. I.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME. VOL. II.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME. VOL. III.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME. VOL. IV.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME. VOL. V.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME. VOL. VI.

THE HISTORY OF THE UNITED STATES OF AMERICA, FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME. VOL. VII.

8. At the examination site, each applicant will find on the desk at which he or she is to sit a card bearing name, address and an identification number. This card must be left on the desk until collected by a proctor.

9. No books, papers or other material of any kind (including food) will be permitted on or at desks during examination. Applicants are instructed to leave all such material outside the examination area.

10. Each applicant will receive by mail a written notice of the results of the examination as soon as it is practicable. A pass list will also be posted on the Board's web site: www.mass.gov/bbe. Commencing on the fifth business day after the examination results are posted on the web site, an applicant who has not received his/her notice may receive a duplicate notice upon written request to the Board of Bar Examiners, 77 Franklin Street, Boston, MA 02110.

11. Multistate Professional Responsibility Examination (MPRE) is a separate examination, given three times a year and administered by the National Conference of Bar Examiners. **The minimum passing scaled score on the MPRE is 85. Effective with the February 2004 examination, each applicant shall have passed the MPRE with a scaled score of 85 or greater BEFORE filing an application for the Massachusetts Bar Examination for admission as an attorney.**

For MPRE information and application, contact:

NATIONAL CONFERENCE OF BAR EXAMINERS

MPRE Application Department
Box 4001, Iowa City, Iowa 52243
(319) 341-2500
www.ncbex.org

**Important Information for Attorneys from Foreign Countries
Applying Under SJC Rule 3.01, § 3**

1. Graduates of the common-law faculties of Canadian law schools which are eligible to be members of the Law School Admissions Council shall be permitted to sit for the general bar examination on the same basis as graduates of law schools approved by the American Bar Association. A list of such law schools appears below:

Dalhousie University
McGill University
Queen's University
University of Alberta
University of British Columbia
University of Calgary

University of Manitoba
University of New Brunswick
University of Ottawa
University of Saskatchewan
University of Toronto
University of Victoria

University of Western Ontario
University of Windsor, Faculty of Law
York University, Osgoode Hall Law School

2. Graduates of the common-law faculties of law schools in foreign countries (other than Canada) whose jurisprudence rests upon the common-law tradition, may be permitted to sit for the general bar examination upon successful completion of such academic legal study at an ABA-approved law school as the Board may require. Each applicant should confer with the Board of Bar Examiners to determine courses to be taken. Acquisition of the Master of Laws Degree at an ABA-approved law school may be considered by the Board in determining the applicant's successful completion of the requirement of further legal studies at an ABA-approved law school. Generally the Board will require applicants to take courses such as, for example, American Constitutional Law, Federal Courts and Jurisprudence, the Uniform Commercial Code, and the core curricular courses offered in the first year at ABA-approved law schools. In certain cases, the Board may require acquisition of the J.D. degree at an ABA-approved law school.

3. In determining the educational qualifications of applicants who received legal education outside the United States, the Board may consider, in addition, other factors, including, but not limited to, graduate legal studies other than those in Master of Law programs in ABA-approved law schools, admission to practice in other American jurisdictions, and length and nature of practice or teaching in an American jurisdiction.

4. In order for the Board to determine eligibility to sit the Massachusetts Bar Examination, each applicant with a law degree received from countries outside the United States, except the Canadian schools listed above, shall submit to the Board of Bar Examiners copies (in English) of their transcripts, course descriptions, details as to employment history and certificate(s) of admission and good standing from the highest court(s) to which they are admitted. Materials submitted to the Board will not be returned to the applicant.

**IMPORTANT INFORMATION FOR ATTORNEYS FROM OTHER STATES AND
JURISDICTIONS, APPLYING UNDER SJC RULE 3:01, § 6.**

(Please read and be familiar with the following)

1. Forms for application for admission as an attorney under SJC Rule 3:01, § 6, consisting of a petition and statement, may be obtained at the office of the Clerk of the Supreme Judicial Court for the County of Suffolk, at the office of the Board of Bar Examiners, by written request to the Board of Bar Examiners, including a 9 x 12 self-addressed envelope affixed with postage for 8.5 ounces, or on the Board's web site: www.mass.gov/bbe

2. Petitions for admission as an attorney under SJC Rule 3:01, § 6, consisting of a petition and statement and the requisite supporting materials set out in Paragraph 3, shall be filed with the Clerk of the Supreme Judicial Court for the County of Suffolk, 1404 New Courthouse, Pemberton Square, Boston, MA 02108, together with the filing fee (see Fee Schedule) in the form of certified check or money order, payable to the Commonwealth of Massachusetts. ***Personal checks will not be accepted.***

3. Any applicant for admission as an attorney under SJC Rule 3:01, § 6, must file with the Clerk the following documents:
 - a. Petition for admission and statement under SJC Rule 3:01, § 6.
 - b. Certificate(s) from the proper court officer, under seal of court, from all jurisdictions to which the applicant is admitted, showing the date of the applicant's admission to the bar and that he/she is in current good standing.
 - c. At least three letters of recommendation from attorneys, stating the nature and extent of their acquaintance with the applicant and their personal knowledge as to the length and continuity of the applicant's practice of law and as to his/her outside work, if any, and their belief as to his/her moral character and fitness to be admitted to the bar of Massachusetts.
 - d. If possible, one or more letters from members of the bar in Massachusetts (refer to paragraph c).
 - e. If possible, a letter from a Judge of one of the courts in the state or jurisdiction where the applicant is admitted.
 - f. A report by the National Conference of Bar Examiners in accordance with Rule IV of the Rules of the Board of Bar Examiners. **Application forms for such are furnished with the application for admission on motion or may be downloaded from our web site:** www.mass.gov/bbe These forms must be executed by the applicant and returned to the Supreme Judicial Court Clerk's office with the applicant's certified check or money order (see Fee Schedule) payable to the National Conference of Bar Examiners, to cover the cost of preparing the report. National Conference permits payment of this fee by credit card. ***Personal checks will not be accepted.***

Multistate Professional Responsibility Examination

Multistate Professional Responsibility Examination (MPRE) is a separate examination, given thrice yearly and administered by the National Conference of Bar Examiners. **A scaled score of 85 or better is the passing score which must be achieved by an applicant before filing an application for admission as an attorney under SJC Rule 3:01, § 6.**

For MPRE information:

NATIONAL CONFERENCE OF BAR EXAMINERS
MPRE Application Department Box 4001
Iowa City, Iowa 52243
(319) 341-2500
www.ncbex.org

OATH TO BE TAKEN BY ATTORNEYS

General Laws (Ter. Ed.) Chapter 221, § 38, provides as follows:

Whoever is admitted as an attorney shall, in open court, take and subscribe the oaths to support the Constitution of the United States and of the Commonwealth; and the following oath of office shall be administered to and subscribed by him:

I (repeat the name) solemnly swear that I will do no falsehood, nor consent to the doing of any in court; I will not wittingly or willingly promote or sue any false, groundless, or unlawful suit, or give aid or consent to the same; I will delay no man for lucre or malice; but I will conduct myself in the office of an attorney within the courts according to the best of my knowledge and discretion, and with all good fidelity as well to the courts as my clients. So help me God.

The attorney's oath in substantially its present form was adopted by a rule of court in 1686. It was required by a Province law in 1701 and has been required ever since except for the period from 1836-1860 when by legislative enactment a simpler form of oath was in use. See Revised Statutes, Chapter 88, § 22 and General Statutes, Chapter 121, § 31.

THE HISTORY OF THE

REPUBLIC OF THE UNITED STATES OF AMERICA

FROM THE FIRST SETTLEMENTS TO THE PRESENT
BY JAMES M. SMITH
VOLUME I
THE FOUNDING OF THE NATION
1607-1789
NEW YORK: THE UNIVERSITY PRESS, 1965

FILING FEE SCHEDULE
July 2003

Application to Sit the Bar Examination

First Time or Reapplication..... \$815

The \$815 filing fee, payable to the Commonwealth of Massachusetts, for a first time application for the examination and for each such reapplication is **non-refundable** and must be in the form of a certified check or money order. **Personal checks will not be accepted.**

On Motion Application

Payable to the Commonwealth of Massachusetts..... \$1,015

Payable to the National Conference of Bar Examiners..... \$250

The \$1,015 filing fee, payable to the Commonwealth of Massachusetts, for an on motion application is **non-refundable** and must be in the form of a certified check or money order. **Personal checks will not be accepted.**

The \$250 filing fee, payable to the National Conference of Bar Examiners (NCBE), for the character report required for admission on motion, is **non-refundable** and must be in the form of a certified check, money order, or credit card. **Personal checks will not be accepted.**

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The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the date of the filing of this report.